

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of February, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Gillette gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the January 25 (two meetings) and the January 31, 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Economic Development, Resolution #R-05-011 appropriating \$50,000 for a capital grants program to address construction impacts upon businesses throughout the City, laid over from the January 25, 2005 meeting, was again presented and read, and on motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police – General, Resolution #R-05-014 amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$3,950, fully reimbursable, for the purchase of traffic safety equipment, laid over from the January 25, 2005 meeting, was again presented and read, and on motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #4 was considered. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-015, as presented, amending the FY 2005 City/Federal/State Aid Projects Fund budget and appropriating \$40,000, with \$20,000 reimbursement, to upgrade four (4) Zoll "M" Series bi-phasic manual monitor/defibrillators:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - General, City Council Report #5 was considered. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-016, as presented, amending the FY 2005 General Fund Budget and appropriating \$95,300 to replace the current personal property tax system:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #6 was considered. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-017, as presented, amending the FY 2005 City Capital Projects Fund budget and appropriating \$297,530, fully reimbursable, to replace traffic signals on Langhorne Road at Murrell Road and Memorial Avenue:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #7 was considered. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-05-018, as presented, approving a waiver of a demolition lien in the amount of \$3,560.60 for 821 2nd Street in favor of Lynchburg Habitat for Humanity:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of The Williams Home for a Conditional Use Permit at 1201 Langhorne Road to allow the construction of an addition to the existing retirement home in an R-1, Low Density, Single-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition. Ms. Tracey Norvelle, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote adopted Resolution #R-05-019, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Housing Authority, Mayor Hutcherson announced that the Housing Authority has asked that the public hearing regarding blighted property at 50 Monroe Street be rescheduled for a future meeting.

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #10 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 314 Westover Boulevard under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavelly outlined the request, stating that the property has been cited by the City's Inspections Department for code violations and has been condemned and determined unsafe for human habitation. Ms. Snavelly went on to say that to date no improvements have been made to the property. There was no one else present who wished to speak to this item. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-05-020, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 314 Westover Boulevard under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Property, a public hearing was held regarding City Council Report #11 regarding the sale of City-owned real property at 1201 Fifth Street to the Lynchburg Neighborhood Development Foundation for \$2,500. City Manager Kimball Payne provided a brief overview regarding the request. There was no one else present who wished to speak to this item. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-021, as presented, approving the sale of City-owned real property at 1201 Fifth Street to the Lynchburg Neighborhood Development Foundation for \$2,500:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

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// In the matter of City Code/Commissioner of the Revenue, a public hearing was held regarding City Council Report #12 regarding the adoption of an ordinance amending Section 36-130(b) of the City Code to change the decal fee for vehicles other than passenger vehicles from its current rate of \$29.50 to \$34.50 per one thousand pounds for vehicles that weigh more than ten thousand pounds. Commissioner of the Revenue Mitch Nuckles provided a brief overview regarding the request. There was no one else present who wished to speak to this item. On motion of Vice Mayor Foster, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-05-022, as presented, approving the adoption of an ordinance amending Section 36-130(b) of the City Code to change the decal fee for vehicles other than passenger vehicles from its current rate of \$29.50 to \$34.50 per one thousand pounds for vehicles that weigh more than ten thousand pounds:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Community Planning – Zoning Amendments, City Council considered whether or not to reconsider the petition of Compson Development, LC, to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance. City Manager Kimball Payne provided a brief history of the request, and explained that according to Robert's Rules of Order, a motion to reconsider is not debatable. Mayor Hutcherson stated that he plans to abstain. On motion of Council Member Johnson, seconded by Council Member Dodson, Council by the following recorded vote agreed to reconsider the petition of Compson Development, LC, to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert

6

Noes:

0

Abstention: Hutcherson

1

City Manager Payne explained that the petitioner has submitted an alternate site plan showing a service road that would parallel U. S. Route 460, with access onto Wards Ferry Road in the vicinity of Logan's Roadhouse and eventually meet up with Greenview Drive, also known as Airport Road, near the

Greenview Drive/U. S. 460 interchange. Mr. Payne outlined three options available to Council, i.e., approve original petition, deny original petition, or ask for more information and postpone the item to a later meeting.

Mr. Payne stated that staff is still recommending approval of the original site plan showing access at the signalized intersection across from the existing "Target" entrance. In response to Council questioning, Traffic Engineer Gerry Harter explained that the service road is a good idea, but that he could not support the access point onto Wards Ferry Road in the vicinity of Logan's Roadhouse because it was too close to an existing intersection and not signalized. Mr. Harter also presented the results from a recent traffic count/study on Del Ray Circle, Alta Lane and Melinda Drive explaining that there is a problem with speeding, especially on Alta Lane and Melinda Drive. Campbell County Administrator David Laurell stated that the developer has committed to the construction of the service road to be built to the Virginia Department of Transportation's secondary road standards. Mr. Laurell explained that although at first the service road would only be built in front of the new retain center, as future development occurs plans are to extend the road to Greenview Drive which should help to alleviate some of the traffic problems in the adjoining residential neighborhood. Mr. Laurell also stated that the best access for the service road would be at the signalized intersection across from the "Target" entrance. In response to questioning regarding bus service to the shopping center, Mr. Laurell explained that tenants in the shopping center will be contacted and asked if they would like to provide monetary support to extend City bus service to the shopping center. In response to Council questioning, Thomas Comparato, President of Compson's Virginia office, stated that the items listed in the letter from the Department of Environmental Quality (DEQ) have been addressed and that the developer does not foresee any problem with obtaining DEQ's approval. Mr. Laurell also stated that Campbell County has regulatory control over the site and that the developer will have to adhere to all federal, state and local laws. Council Member Johnson made a motion to approve the original rezoning petition of Compson Development, LC, with the addition of a service road with access at the signalized intersection across from the existing "Target" entrance. The motion died for lack of a second. Some Council Members expressed concern that until the service road is built to Greenview Drive, that the earlier traffic problems will still exist for the adjoining neighborhood. Other Council Members stated that they would like to have a written commitment that the service road will eventually be built to Greenview Drive. Mr. Laurell stated that the County has no interest or desire to allow commercial development to use residential streets for a commercial entrance and that the County is willing to provide a written commitment regarding the service road. Mr. Comparato also stated that the developer would be willing to provide a written commitment to the construction of the service road. In response to questioning, both Mr. Laurell and Mr. Comparato stated that they could provide the written commitments prior to the next City Council meeting. Following discussion, and on motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote agreed to postpone and take action at the February 22 meeting regarding the petition of Compson Development,

LC, to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance:

Ayes: Dodson, Foster, Gillette, Seiffert

4

Noes: Helgeson, Johnson

2

Abstention: Hutcherson

1

// In the matter of Community Planning - General, City Council Report #14 regarding approval of the proposed Mid-Town Area Plan scope of work was considered. City Manager Kimball Payne provided a brief overview regarding the request. Mr. Payne went on to say that the cost of approximately \$170,000 will be covered by unused demolition funding in the General Fund (\$110,000) and from Community Development Block Grant (CDBG) funding (\$60,000) with expenses of approximately \$20,000 to be covered in the budget of the Department of Community Planning and Development. Council Member Helgeson stated that the earlier request for the location of a Walgreens store at the corner of Langhorne/Murrell Roads was the genesis of moving forward with the proposed Mid-Town Area study, and that City Council needed to go ahead and take a vote on that petition instead of having them wait until the study is done. Council Member Helgeson made a motion, seconded by Council Member Dodson, to reconsider the petition of Laird Lynchburg, LLC, to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District, to B-3, Community Business District (Conditional) to allow the construction of a Walgreens pharmacy. City Manager Payne reminded City Council that they would first need to make a decision as to whether or not to amend the Comprehensive Plan prior to considering the rezoning request. Some Council Members stated that the Mid-Town Area study is called for in the City's Comprehensive Plan, and that the study is important in that it is a set of guidelines on how the land should be used. Mr. Helgeson along with Council Member Dodson stated that it was an inappropriate use of taxpayers dollars to hire a consulting firm to study private property, and expressed concern that none of the large private property owners were willing to help fund the study. Council Member Johnson questioned whether Council Member Helgeson, who was not on the prevailing side of the vote that was taken on October 12 to postpone the Laird rezoning petition indefinitely, could make the motion to reconsider. City Attorney Walter Erwin stated that only a member who was on the prevailing side could make the motion to reconsider. Council Member Helgeson withdrew his motion. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote approved the proposed Mid-Town Area Plan scope of work, including the funding sources as outlined in the Council report for the approximate \$170,000 cost of the study and the additional \$20,000 for expenses:

Ayes: Foster, Gillette, Johnson, Seiffert, Hutcherson

5

Noes: Dodson, Helgeson

2

// In the matter of Finance - Bonds, City Council Report #15 regarding authorizing the issuance of an amount not to exceed \$45,000,000 principal amount of General Obligation Public Improvement Refunding Bonds was considered. Financial Services Director Mike Hill provided an overview regarding the request.

On motion of Council Member Dodson, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-023, as presented, amending the FY 2005 General, School, Water, Sewer, Airport, Detention, E-911, and Solid Waste Management Fund budgets and appropriating \$135,000 for expenses associated with the issuance of the FY 2005 General Obligation Public Improvement Refunding Bonds:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Dodson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-024, as presented, authorizing the issuance of an amount not to exceed \$45,000,000 principal amount of General Obligation Public Improvement Refunding Bonds for the purpose of providing funds to refund all or a portion of certain outstanding General Obligation Public Improvement Bonds:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In an item not on the agenda, Council Member Johnson made a motion, seconded by Council Member Helgeson, to reconsider the petition of Laird Lynchburg, LLC, to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District, to B-3, Community Business District (Conditional) to allow the construction of a Walgreens pharmacy. Mr. Ted Craddock, an attorney speaking on behalf of Robin Askew, of Laird Development, stated that the site for the proposed Walgreens will be developed as a commercial site, and also that Ms. Askew has stated that she would be willing to consider a Planned Unit Development for the site. Vice Mayor Foster stated that the Comprehensive Plan called for a Traditional Neighborhood Development of the site. Some Council Members stated that they would be willing to hear from Ms. Askew regarding plans for the site at the February 22 work session. The vote was called on the motion, and Council by the following recorded vote agreed to reconsider the petition of Laird Lynchburg, LLC, to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District, to B-3, Community Business District (Conditional) to allow the construction of a Walgreens pharmacy, and asked that the item be scheduled for the February 22 work session:

Ayes: Dodson, Helgeson, Johnson, Hutcherson 4

Noes: Foster, Gillette, Seiffert 3

// The meeting was recessed at 10:04 P.M. to February 22, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council